

## **HISTORIC LANDMARKS COMMISSION**

Meeting Report

November 4, 2009

### **ROLL CALL**

PRESENT: Commissioners Colombe, Peak, Abatecola, Nunez, Jackson

ABSENT: Cohen

VACANCIES: One

STAFF: Environmental Principal Planner Akoni Daniels, Historic Preservation Senior Planner John Davidson, Historic Preservation Planner Lori Moniz, Deputy City Attorney Rosa Tsongtaarii.

### **1. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

**No Items**

### **2. CONSENT CALENDAR**

#### **NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion.** There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

**No Items**

The following items are considered individually:

### **3. PUBLIC HEARINGS**

#### **HISTORIC LANDMARK DESIGNATIONS/HISTORICAL PROPERTY CONTRACTS**

- a. The applications being considered are for the "Frank and Nellie Wolfe House #9" on a 0.12-acre site located at 643 S. Sixth Street (Jason Rowan and Batsirai Mutasa, property owners). Council District 3. SNI: University. CEQA: Exempt. *Project Manager, Lori Moniz*

1. [HL09-182](#). Historical Landmark Nomination for the subject property as a landmark of

special historic, architectural, cultural, aesthetic or engineering interest, or value of a historic nature.

**FOUND THE PROPERTY TO BE A LANDMARK OF SPECIAL HISTORIC, ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING INTEREST, OR VALUE OF A HISTORIC NATURE AND RECOMMENDED APPROVAL OF THE PROPOSED LANDMARK DESIGNATION TO THE DIRECTOR OF PLANNING. (5-0-1; COHEN ABSENT)**

2. [MA09-001](#). Historical Property Contract (California Mills Act contract) between the City of San Jose and the owner of the subject property. The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period.

**FOUND THE PROPOSED CONTRACT TO BE CONSISTENT WITH THE GENERAL PLAN; FOUND THAT THE PROPOSED CONTRACT WOULD PROVIDE GREATER PROTECTION FOR THE LANDMARK PROPERTY THAN IS OTHERWISE PROVIDED IN THE PROVISIONS OF MUNICIPAL CODE SECTION 13.48, AND FOUND THAT THE PROPOSED CONTRACT COMPLIES WITH THE REQUIRED PROVISIONS FOR HISTORICAL PROPERTY CONTRACTS, AND RECOMMENDED APPROVAL OF THE PROPOSED HISTORICAL PROPERTY CONTRACT TO THE CITY COUNCIL (5-0-1; COHEN ABSENT)**

- b. The applications being considered are for the "Latta House" on a 0.13-acre site located at 445 N. Third Street (Courtney and Jonathan Carr, property owners). Council District 3. SNI: 13<sup>th</sup> Street. CEQA: Exempt. *Project Manager, Lori Moniz*

1. [HL09-183](#). Historical Landmark Nomination for the subject property as a landmark of special historic, architectural, cultural, aesthetic or engineering interest, or value of a historic nature.

**FOUND THE PROPERTY TO BE A LANDMARK OF SPECIAL HISTORIC, ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING INTEREST, OR VALUE OF A HISTORIC NATURE AND RECOMMENDED APPROVAL OF THE PROPOSED LANDMARK DESIGNATION TO THE DIRECTOR OF PLANNING. (5-0-1; COHEN ABSENT)**

2. [MA09-002](#). Historical Property Contract (California Mills Act contract) between the City of San Jose and the owner of the subject property. The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period.

**FOUND THE PROPOSED CONTRACT TO BE CONSISTENT WITH THE GENERAL PLAN; FOUND THAT THE PROPOSED CONTRACT WOULD PROVIDE GREATER PROTECTION FOR THE LANDMARK PROPERTY THAN IS OTHERWISE PROVIDED IN THE PROVISIONS OF MUNICIPAL CODE SECTION 13.48, AND FOUND THAT THE PROPOSED CONTRACT COMPLIES WITH THE REQUIRED PROVISIONS FOR HISTORICAL PROPERTY CONTRACTS, AND RECOMMENDED**

**APPROVAL OF THE PROPOSED HISTORICAL PROPERTY CONTRACT TO THE CITY COUNCIL (5-0-1; COHEN ABSENT)**

- c. The applications being considered are for the "Field-Gross House" on a 0.15-acre site located at 167 S. Fourteenth Street (Bernadette Drechsler, property owner). Council District 3. SNI: University. CEQA: Exempt. *Project Manager, Lori Moniz*

1. [HL09-184](#). Historical Landmark Nomination for the subject property as a landmark of special historic, architectural, cultural, aesthetic or engineering interest, or value of a historic nature.

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2. [MA09-003](#). Historical Property Contract (California Mills Act contract) between the City of San Jose and the owners of the subject property. The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period.

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- d. The applications being considered are for the "Petree House" on a 0.15-acre site located at 102 S. Twelfth Street (Seamus & Jennifer Turner, property owners). Council District 3. SNI: University. CEQA: Exempt. *Project Manager, Lori Moniz*

1. [HL09-185](#). Historical Landmark Nomination for the subject property as a landmark of special historic, architectural, cultural, aesthetic or engineering interest, or value of a historic nature.

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2. [MA09-005](#). Historical Property Contract (California Mills Act contract) between the City of San Jose and the owner of the subject property. The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the

historical and architectural character of the property for at least a ten-year period.

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- e. The applications being considered are for the "Riggs House" on a 0.13-acre site located at 577 S. Twelfth Street (Rice & Neil McCarthy, property owners). Council District 3. SNI: University. CEQA: Exempt. *Project Manager, Lori Moniz*

1. [HL09-186](#). Historical Landmark Nomination for the subject property as a landmark of special historic, architectural, cultural, aesthetic or engineering interest, or value of a historic nature.

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2. [MA09-006](#). Historical Property Contract (California Mills Act contract) between the City of San Jose and the owner of the subject property. The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period.

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- f. The applications being considered are for the "Former Second Presbyterian Manse" on a 0.13-acre located at 655 S. Sixth Street. David Dudek, property owner. Council District 3. SNI: University. CEQA: Exempt. *Project Manager, Lori Moniz*

1. [HL09-187](#). Historical Landmark Nomination for the subject property as a landmark of special historic, architectural, cultural, aesthetic or engineering interest, or value of a historic nature.

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**PROPOSED LANDMARK DESIGNATION TO THE DIRECTOR OF PLANNING. (5-0-1; COHEN ABSENT)**

2. [MA09-008](#). Historical Property Contract (California Mills Act contract) between the City of San Jose and the owner of the subject property. The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period.

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- g. The applications being considered are for the "Cox House" on a 0.15-acre site located at 198 S. Twelfth Street. Gary Rucker and Michael Howerton, property owners. Council District 3. SNI: University. CEQA: Exempt. *Project Manager, Lori Moniz*

1. [HL09-188](#). Historical Landmark Nomination for the subject property as a landmark of special historic, architectural, cultural, aesthetic or engineering interest, or value of a historic nature.

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2. [MA09-009](#). Historical Property Contract (California Mills Act contract) between the City of San Jose and the owners of the subject property. The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period.

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- h. The applications being considered are for the "Purdy House " on a 0.12-acre site located at 438 N. Second Street. William and Jordan Saenz Baker, property owners. Council District 3. SNI: University. CEQA: Exempt. *Project Manager, Lori Moniz*

1. [HL09-189](#). Historical Landmark Nomination for the subject property as a landmark of special historic, architectural, cultural, aesthetic or engineering interest, or value of a historic nature.

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2. [MA09-010](#). Historical Property Contract (California Mills Act contract) between the City of San Jose and the owner of the subject property. The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period.

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- i. [MA09-004](#). The application being considered is for a Historical Property Contract (California Mills Act contract) between the City of San Jose and the owners of the subject property for the "Stern/Fischer Residence (HL01-123)" on a 0.3-acre site located at 132 Pierce Avenue. The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period. James F. Cox, property owner. Council District 3. SNI: University. CEQA: Exempt. *Project Manager, Lori Moniz*

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- j. [MA09-007](#). The application being considered is for a Historical Property Contract (California Mills Act contract) between the City of San Jose and the owners of the subject property for the "Tommie Smith House (HL08-181)" on a 0.19-acre site located at 55 N. 11<sup>th</sup> Street. The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period. James F. Cox, property owner. Council District 3. SNI: University. CEQA: Exempt. *Project Manager, Lori Moniz*

#### 4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

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##### DIRECTOR OF PLANNING

- a. **Ordinance Revision:** Review and comment on two ordinances of the City of San Jose amending Title 13 and Title 20 of the San Jose Municipal Code to allow: planning review of proposals to demolish older single-family homes; a revised definition for the term “demolition”; a streamlined designation process for conservation areas; and a pre-designation protection for conservation areas. Council District: Citywide. SNI: All. CEQA: Exempt. *Project Manager, Hadasa Lev*

**STAFF RECOMMENDATION:** Historic Landmarks Commission recommend approval of the ordinance revisions as recommended by staff.

**DEFERRED TO THE 12/2/09 HLC MEETING.**

##### REDEVELOPMENT AGENCY

- b. **Implementation Plan:** Discussion of the Redevelopment Agency’s Five-Year Implementation Plan for the years 2010-2014. Council District: Citywide. SNI: All. CEQA: Exempt. *Project Manager, Delores Mellon*

**STAFF RECOMMENDATION:** Historic Landmarks Commission provide comments to the Redevelopment Agency Board.

**THE HLC RECOMMENDED TO REDEVELOPMENT AGENCY STAFF TO REWRITE THE IMPLEMENTATION PLAN TO PORTRAY PRESERVATION AS AN OPPORTUNITY INSTEAD OF AS AN OBSTRUCTION, AND AS A PARTNER TO REDEVELOPMENT (5-0-1; COHEN ABSENT)**

#### 5. OPEN FORUM

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- a. Summary of communications received by the Historic Landmarks Commission  
(1) HLC Correspondence
- b. Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

#### 6. GOOD AND WELFARE

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- a. Report from Secretary, Planning Commission, and City Council
  1. Update on salvaged materials storage and cataloging from the Donner-Houghton house, File HP09-004.

**NO PROGRESS BY APPLICANT ON COMPLIANCE WITH CONDITION; STAFF TO REPORT BACK AT THE 12/2 HLC MEETING.**

2. Status report on the temporary tent located at the Center for the Performing Arts.

**TEMPORARY TENT PERMITTED BY THE FIRE DEPARTMENT; WILL BE UP UNTIL 4/2010; CONTACT DAVE COSTAIN AT 792-4546 TO PROVIDE SUGGESTIONS.**

3. Status report on the vacant buildings ordinance.

**BEING FINALIZED BY THE ATTORNEY'S OFFICE. STAFF TO REPORT BACK AT THE FEBRUARY 2010 HLC MEETING.**

4. Meeting location for 11/18/09 Peralta Adobe site visit: 12 noon at the Peralta Adobe, St. John Street between San Pedro Street and Almaden Avenue.

**DRC TO BE HELD AT 1:00 P.M. AT CITY HALL, FOLLOWING SITE VISIT.**

- b. Commissioners' report from Committees:

1. Design Review Subcommittee (Colombe, Cohen and Peak)  
Meets the 3<sup>rd</sup> Wednesday of the month as necessary  
*No Report (10/24/09 meeting cancelled)*

2. History San José Collections Committee (Jackson)  
Meets the 2<sup>nd</sup> Thursday of every 3<sup>rd</sup> month at 12 noon

**Report**

3. GP Update Task Force Progress Report (Colombe and Cohen)

- c. [Review of 10/6/09 HLC Meeting Report.](#)

- d. Status of Circulation of Environmental Review Documents  
<http://www.sanjoseca.gov/planning/eir/>

- e. 2008 – 2009 Fiscal Year Study Session Dates and Topics

1. November 5, 2008 – Distinctive Neighborhood Program
2. February 6, 2009 – HLC Retreat
3. March 4, 2009 – Mid-Century Modernism (Part I)
4. May 6, 2009 – Mid-Century Modernism (Part II)
5. September 2, 2009 – Mid-Century Modernism (Part III) (cancelled)
6. October 7, 2009 – Distinctive Neighborhood Program Update
7. November 4, 2009 – Historic Landmarks Commission 2009-2010 Work Program
8. December 2, 2009 – Mid-Century Modernism (Part III)
9. January 29, 2010 – HLC Retreat

**ADJOURNMENT**

## **2009 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE**

DATE	TIME	TYPE OF MEETING	LOCATION
February 4, 2009	6:00 p.m.	Regular Meeting (Cancelled)	Room W118-119
February 6, 2009	8:00 a.m.	Retreat	T-1446
February 18, 2009	12:00 p.m.	Design Review Subcommittee (Cancelled)	Room T-644
<i>March 4, 2009</i>	<i>4:45 p.m.</i>	<i>Study Session</i> <i>Mid-Century Modernism (Part I)</i>	<i>Room T-332</i>
March 4, 2009	6:00 p.m.	Regular Meeting	Room W118-119
March 18, 2009	12:00 p.m.	Design Review Subcommittee (Cancelled)	Room T-644
April 1, 2009	6:00 p.m.	Regular Meeting (Cancelled – lacked quorum)	Room W118-119
April 15, 2009	12:00 p.m.	Design Review Subcommittee (Cancelled)	Room T-644
<i>May 6, 2009</i>	<i>4:45 p.m.</i>	<i>Study Session</i> <i>Mid-Century Modernism (Part II)</i>	<i>Room T-332</i>
May 6, 2009	6:00 p.m.	Regular Meeting	Room W118-119
May 20, 2009	12:00 p.m.	Design Review Subcommittee	Room T-644
June 3, 2009	6:00 p.m.	Regular Meeting	Room W118-119
June 24, 2009	12:00 p.m.	Design Review Subcommittee	Room T-644
August 5, 2009	6:00 p.m.	Regular Meeting	Room W118-119
August 19, 2009	12:00 p.m.	Design Review Subcommittee	Room T-644
<i>September, 2009</i>	<i>4:45 p.m.</i>	<i>Study Session</i> <i>Mid-Century Modernism (Part III)</i>	<i>Room T-332</i>
September 2, 2009	6:00 p.m.	Regular Meeting	Room W118-119
September 16, 2009	12:00 p.m.	Design Review Subcommittee	Room T-644
<i>October 7, 2009</i>	<i>4:45 p.m.</i>	<i>Study Session</i> <i>Distinctive Neighborhood Program</i>	<i>Room T-332</i>
October 7, 2009	6:00 p.m.	Regular Meeting	Room W118-119
October 21, 2009	12:00 p.m.	Design Review Subcommittee	Room T-644
November 4, 2009	6:00 p.m.	Regular Meeting	Room W118-119
November 18, 2009	12:00 p.m.	Peralta Adobe Site Visit	Peralta Adobe
November 18, 2009	1:00 p.m.	Design Review Subcommittee	Room T-334
December 2, 2009	6:00 p.m.	Regular Meeting	Room W118-119
December 16, 2009	12:00 p.m.	Design Review Subcommittee	Room T-644

HISTORIC LANDMARKS AGENDA ON THE WEB:  
<http://www.sanjoseca.gov/planning/hearings/historic.asp>